

1 | doesn't he? He repeats it.

2 |           MR. TOPEL: It does. Your right, Your Honor.

3 |           MR. COHEN: Your Honor, turning to paragraph 7,  
4 | Mr. Topel has told you earlier that he thinks that the reasons  
5 | for becoming a director are relevant to the control issue and  
6 | I submit that that's remote and collateral. It's what he did  
7 | as a director and what he didn't do as a director that's going  
8 | to form the basis for your decision. And for that reason I  
9 | think all this introduction in paragraph 7 about his  
10 | convictions and understandings based upon his membership on  
11 | President Reagan's Task Force on Private Sector Initiatives  
12 | have nothing to do with the issues in this proceeding. You've  
13 | made clear that other entities which are not Commission  
14 | licensees are not relevant and paragraph 7 is an effort to, to  
15 | rely upon his experience in several entities to support his  
16 | position on how he acted as an NMTV director and I object to  
17 | paragraph 7.

18 |           JUDGE CHACHKIN: Paragraph 7 is rejected as  
19 | irrelevant.

20 |           MR. COHEN: Insofar as paragraph 8 is concerned, I  
21 | have the greatest admiration and respect for the witness and I  
22 | took his deposition, but this is -- but this testimony, in  
23 | addition to being general and not specific, has the same vice  
24 | as the earlier testimony. So to say that he learned back in  
25 | the 70s from people like Ben Hooks and others that the only

1 way minority people were going to get into an industry like  
2 television would be with a strong commitment on the part of  
3 the majority community is not relevant to the designated  
4 issues in this proceeding.

5 MR. TOPEL: Well, Your Honor, I submit it is.  
6 Benjamin Hooks is a former commissioner of this agency with  
7 some substantial input in the FCC's minority ownership  
8 policies. And this witness is understanding of how minority  
9 ownership policies are supposed to work and the  
10 interrelationship between the minority licensee and a non-  
11 minority community and how they interact is, is relevant to  
12 his state of mind as to the legality and propriety of National  
13 Minority Television. The issue in this case in the end is  
14 whether people like Pastor Hill may be exposed to losing their  
15 licenses, and I think their understanding and state of mind as  
16 to whether or not they are in compliance with the Commission's  
17 rules based on conversations with one of the commissioners who  
18 helped formulate the rule is relevant testimony.

19 MR. COHEN: Your Honor, he doesn't even say he spoke  
20 to, to Ben Hooks.

21 JUDGE CHACHKIN: Paragraph 8 is rejected as  
22 irrelevant. I assume somewhere along the line we'll get to  
23 where he becomes involved with minority television, with NMTV,  
24 but I guess we'll have to wait a few paragraphs for that, and  
25 with Trinity.

1           MR. COHEN: Your Honor, paragraph 9 is subject to t  
2 the same vices as the earlier testimony. Here again he's  
3 talking about the matters that shaped his involvement. And I  
4 respectfully suggest that that is not relevant to the  
5 designated issues with -- we're still in background as to why  
6 the man became a director. We haven't yet come to what he's  
7 done or not done as a director, which is what is relevant  
8 under the issues and I object to paragraph 9.

9           JUDGE CHACHKIN: Paragraph 9 is rejected as  
10 irrelevant.

11           MR. COHEN: Ten, Your Honor, raises the exact  
12 matters that you have, I believe, already ruled upon and that  
13 is his serving on numerous boards of unidentified non-profit  
14 corporations, and I believe you ruled earlier this afternoon  
15 that such experience is not relevant for purposes of the  
16 designated issues.

17           MR. TOPEL: Your Honor, the witness in subsequent  
18 paragraphs specifically relates back to his understanding. He  
19 explained the nature of his involvement in Nationality  
20 Minority, the kinds of issues he was involved in and why he  
21 thought he should be involved in those, and the kinds of  
22 issues that he was not involved in and the reasons he thought  
23 he did not -- it was not necessary to be involved in those.  
24 One of the things that Mr. Cohen says to you is this is not a  
25 comparative case and he doesn't -- we shouldn't try it as a

1 comparative case. Then when he gets in front of the witness  
2 he goes through the litany of questions that we hear in all  
3 these comparative proceedings, do you have a copy of the  
4 checkbook, etc., etc. Now, we will submit to you that that's  
5 not a necessary function of a, of a director of a non-profit  
6 corporation. Pastor Hill feels it's not a necessary function  
7 and he has the experience to, to justify his belief, so I  
8 think the witness should be entitled to testify about his  
9 understanding of what he does for National Minority and why he  
10 thinks that's within the scope of what he does, and admittedly  
11 what he doesn't do. I assume Mr. Cohen would be happy to have  
12 the testimony in of the witness admitting what he doesn't do  
13 and why he doesn't do it, and then Your Honor will apply  
14 Commission law to what the legal conclusion from those facts  
15 are.

16 JUDGE CHACHKIN: Well, I'm not going to get into an  
17 examination of such collateral matters as to how other Boards  
18 of Directors operate a non-profit corporation. My only  
19 concern is how this board operated and whether it was  
20 consistent with Commission requirements and, therefore, I am  
21 going to strike paragraph 10 as irrelevant.

22 MR. COHEN: Excuse me one second, Your Honor.  
23 Your Honor, paragraph 11 I don't object to in its entirety,  
24 but I do object to the first sentence because the predicate  
25 for the first sentence or paragraphs that you've rejected, so

1 on that ground I would ask you to reject the first sentence  
2 because there's no longer any foundation for it.

3 JUDGE CHACHKIN: I will strike the first sentence.

4 MR. SHOOK: Your Honor?

5 JUDGE CHACHKIN: Yes.

6 MR. SHOOK: I don't believe Mr. Cohen addressed  
7 this. The Bureau has a problem with paragraph 10 for the  
8 reasons that have been expressed again, again and again, and I  
9 don't believe --

10 MR. TOPEL: Paragraph 10's been rejected?

11 MR. SHOOK: I thought paragraph 9 was.

12 MR. COHEN: No.

13 MR. SHOOK: I -- to paragraph 10. Ten was also?

14 JUDGE CHACHKIN: What is the Bureau's views? We  
15 might as well have that in the record.

16 MR. SHOOK: Well, the same, the same reasons that  
17 were expressed.

18 JUDGE CHACHKIN: All right. Paragraph 10 is  
19 rejected.

20 MR. SHOOK: Okay. I've been busy marking this.

21 JUDGE CHACHKIN: Paragraph 11?

22 MR. COHEN: We're into paragraph -- Your Honor, I  
23 have no objection to the date the witness became a director  
24 because that's highly and clearly relevant, but I object to  
25 the remainder of the sentence that he's deeply committed to

1 the success of that minority controlled company. That, of  
2 course, is the very issue that you have to decide, and I do  
3 not object to the last sentence.

4 JUDGE CHACHKIN: I will strike the words "I'm deeply  
5 committed." The rest of the sentence will be stricken as  
6 irrelevant. All right. Paragraph 12, any objection?

7 JUDGE CHACHKIN: Yes. Your Honor, I have no  
8 objection to, to the witness' statement as to how he met  
9 Pastor Crouch, but I do object to the sentence beginning, "In  
10 fact, TBN has carried programming by many minorities and shown  
11 to me a sincere interest in serving the minority community."  
12 I think that that is also irrelevant. I think what, what  
13 occurred while this gentleman was a director is very relevant,  
14 but I think the fact that TBN carried programming that he felt  
15 desirable and showed that it had a sincere interest in serving  
16 the minority community is not relevant to the designated  
17 issues.

18 MR. TOPEL: Your Honor, I'd like to be heard on this  
19 one.

20 JUDGE CHACHKIN: Yes.

21 MR. TOPEL: If you turn to paragraph 13, the witness  
22 then explains the reason for his judgment that National  
23 Minority television should be a program affiliate of TBN and  
24 he talks about -- these are the examples, that TBN serves the  
25 minority community and, "I as a director of National Minority

1 Television believe that TBN should be the -- a program source  
2 for National Minority Television," his decision as a director  
3 of National Minority Television, and these paragraphs -- it's  
4 really one paragraph 12. It has two examples in it. It  
5 defines the reason why he made that judgment and I certainly  
6 think he should be allowed to testify to a decision he made as  
7 a director of National Minority Television.

8 MR. COHEN: But, Your Honor, I think if you'll look  
9 at A and B that there's substantial questions as to their  
10 remoteness and collateral aspects, and that's, that's what  
11 concerns me here.

12 JUDGE CHACHKIN: Well, that's right.

13 MR. COHEN: That's so remote and so collateral.

14 JUDGE CHACHKIN: Well, let's find out what. We're  
15 talking here about May of 1992. Isn't this long after the  
16 fact of him becoming a director and becoming involved with,  
17 with NMTV?

18 MR. TOPEL: He became a director in October 1991,  
19 but he is giving examples of --

20 JUDGE CHACHKIN: Well, how could May 1992 -- when  
21 did they begin carrying TBN programming?

22 MR. TOPEL: On the Portland station it went on the  
23 air in 1989, but, but the directors have the authority and the  
24 right under the affiliation contract to change the programming  
25 whenever they want and --

1 JUDGE CHACHKIN: But the fact of the matters is in  
2 1992 they were already presenting TBN programming.

3 MR. TOPEL: And it's his judgment that they should  
4 continue doing that.

5 JUDGE CHACHKIN: Well, what does this have to do  
6 then with what took place in 1992? This makes it appear as if  
7 these were a basis in which he carried TBN programming. This  
8 couldn't be a basis for it. This was long after the fact.

9 MR. TOPEL: They are examples of the kind of  
10 minority service that he -- and there is testimony on his, on  
11 his relationship with TBN that caused him to reach the  
12 conclusion that he has reached. That conclusion is, is made  
13 almost on a daily basis. The directors decide who to -- what  
14 programming to continue to have.

15 JUDGE CHACHKIN: But I'm more interested in the  
16 programs that were carried prior to the time it was decided to  
17 carry TBN programming. It would seem to me much more  
18 important than the fact that in 1992 -- he's setting an  
19 example in 1992 long after they've been carried TBN  
20 programming. This obviously couldn't have been the reason why  
21 they decided initially to carry TBN programming.

22 MR. TOPEL: That's correct. He was not involved in  
23 the initial decision.

24 JUDGE CHACHKIN: Well, if he wasn't involved in it,  
25 then I don't know what this --

1           MR. TOPEL: But it's a continuing decision. The  
2 Board of Directors continues to control the programming of the  
3 station and he is, he is testifying to his right as a  
4 Commission licensee to decide that this station should be an  
5 affiliate of TBN, should continue to be an affiliate of TBN,  
6 and he's testifying that because there is a very strong  
7 component that serves the minority community and the issue in  
8 this case is whether he's -- whether he and others are bona  
9 fide directors and this is a bona fide minority corporation  
10 and he's entitled to make that determination that he wants to  
11 continue to be a TBN affiliate.

12           JUDGE CHACHKIN: Where is there anything in  
13 paragraph 12 which makes these assertions that you just made,  
14 stating that the decision to continue to be a TBN affiliate is  
15 because of these events or any other events?

16           MR. TOPEL: That was paragraph 13 --

17           JUDGE CHACHKIN: Oh, paragraph 13.

18           MR. TOPEL: -- which says these examples illustrate  
19 (a) why he thinks religious programming serves the minority  
20 community, and (b), "That my judgment as a director is and has  
21 been that minority television should be a program affiliate of  
22 TBN." That's precisely the judgment a director is supposed to  
23 make.

24           JUDGE CHACHKIN: As of what date? As of what date?  
25 When did he become a director?

1 MR. TOPEL: October 1991.

2 JUDGE CHACHKIN: So what -- certainly the second  
3 example is long after he became a director.

4 MR. TOPEL: Well, it was during the period he was a  
5 director, though. He's still a director in May 1992.

6 JUDGE CHACHKIN: The only reason I see you putting  
7 in that example is because it's, it's such a dramatic example  
8 since it's been so well publicized in the media. It certainly  
9 -- it doesn't bear on his decision in 1991 when he came on to  
10 continue to carry TBN programming.

11 MR. TOPEL: That's correct. It's an example of --

12 JUDGE CHACHKIN: And so you, you picked a date in  
13 1992 long after the fact solely because it's such a dramatic  
14 example of a media event. It has nothing -- what's much more  
15 relevant would be what caused him in 1991 when he became a  
16 director to go along with the decision to carry on TBN  
17 programming and some event long after the fact in 1992. Are  
18 we going to have an example from every date that he made this  
19 decision? The question is how many times -- was there  
20 anything in 1992, for instance, in May -- were any contracts  
21 signed in May 1992 whereby there was a renewal of private --  
22 prior television contract was some dramatic event in May 1992  
23 or that this example was cited?

24 MR. TOPEL: No, Your Honor. There are minutes of  
25 actions concerning minority programming during the time that

1 Pastor Hill was a director, but I can't represent to you that  
2 they occurred in 1992 and relate specifically to this example.  
3 The example is intended to be just that, the kinds of ways  
4 that Trinity and religious programming serves the minority  
5 community and why this witness, therefore, has had and still  
6 has, which is his testimony, the judgment that that is the  
7 programming that National Minority should have. That's the  
8 role of a director, to form those judgments.

9 JUDGE CHACHKIN: But if it doesn't relate to any  
10 specific decisions of the Board, I don't see how the example  
11 is relevant, by citing examples long after the fact. If the  
12 Board took no action at that time based on any events that  
13 took place, then I don't see how the example is relevant.

14 MR. TOPEL: The Board has the right to change the  
15 programming. There is an allegation in the Designation Order  
16 and in this case that there is a problem with the fact that  
17 there is so much Trinity programming on National Minority's  
18 station and --

19 JUDGE CHACHKIN: Well, I'm not going to receive --  
20 no showing that it's -- it's very remote. There's no showing  
21 that it bears on any Board decision or even a Board decision  
22 was being considered about whether to continue the programming  
23 in May of 1992. And as far as I can see this example has no  
24 bearing on the question of control or any decision made by the  
25 Board whether to retain TBN or not.

1 MR. TOPEL: I understand your ruling, Your Honor.

2 JUDGE CHACHKIN: All right.

3 MR. COHEN: Well, Your Honor, I'm not sure what your  
4 ruling is.

5 JUDGE CHACHKIN: Well, my ruling is striking (b). I  
6 haven't gotten to (a) yet, but as far as striking (b) is  
7 concerned. I don't know what (a) refers to. There's no dates  
8 in (a).

9 MR. TOPEL: Well, he talks about his program on  
10 Trinity.

11 JUDGE CHACHKIN: When was that carried?

12 MR. TOPEL: That began well prior to his becoming on  
13 the Board. We have not offered it. There is a program  
14 contract that I think is in the Glendale exhibits, but it  
15 predates his becoming on the Board. We did not give the  
16 specific date in our -- in his testimony, but his experience  
17 with is program and what -- how that serves the minority  
18 community does predate his joining the Board.

19 JUDGE CHACHKIN: Is there an objection to (a)?

20 MR. COHEN: My objection, my objection is on the  
21 same grounds of remoteness, Your Honor. It doesn't tie in  
22 directly to the, to the designated issues.

23 JUDGE CHACHKIN: So your objection is to what, what  
24 part of 12?

25 MR. COHEN: I'm objecting to -- I have -- I do --

1 excuse me. I do not object to the witness testifying as to  
2 his relationship to Trinity and then I do not -- so my  
3 objection commences on the third sentence from the end of the  
4 paragraph beginning, "In fact."

5 JUDGE CHACHKIN: And continues where?

6 MR. COHEN: But that doesn't deal with his -- see, I  
7 think his relationship with Trinity is very relevant,  
8 Your Honor, his personal relationship, and we've offered -- as  
9 Mr. Topel says, we've offered his very program agreement. He  
10 is a programmer on TBN and I think that's relevant. It shows  
11 his relationship to Trinity. I'm not quarreling with that,  
12 but the rest of it doesn't deal with his relationship. It  
13 deals with general instances of Trinity's programming and  
14 that's what my objection is.

15 MR. TOPEL: Well, Your Honor, paragraph (a)  
16 certainly does deal with his relationship. It begins, "By  
17 virtue of my program on Trinity."

18 JUDGE CHACHKIN: You said this long preceded his  
19 becoming a director.

20 MR. TOPEL: And continues.

21 JUDGE CHACHKIN: Well, how could this -- well, I'm  
22 not going to -- the argument. I will strike all of paragraph  
23 12 beginning with, "In fact, TBN has carried programming,"  
24 including the examples will be stricken as irrelevant. Next  
25 objection?

1           MR. COHEN: Yes. Well, the first sentence I believe  
2 has to go, Your Honor, because there's no foundation.

3           JUDGE CHACHKIN: It will be stricken as irrelevant,  
4 the first sentence in paragraph 13.

5           MR. COHEN: And again the next sentence seems to me,  
6 Your Honor, has to go for the same reason, because it also has  
7 no foundation. It refers to that reason and the reason has  
8 been rejected.

9           MR. TOPEL: The whole sentence doesn't have to go  
10 then.

11           MR. SHOOK: Your Honor, the Bureau, the Bureau would  
12 object to the first portion of the second sentence of  
13 paragraph 13 but beginning with the words, "My judgment," I  
14 would leave that in.

15           MR. COHEN: I agree. I agree.

16           JUDGE CHACHKIN: All right.

17           JUDGE CHACHKIN: I agree with Mr. Shook.

18           JUDGE CHACHKIN: All right. I will strike all of  
19 paragraph 13 with the exception of the phrase beginning, "My  
20 judgment," and so the sentence will now read -- it begins  
21 with, "My judgment as director," and continues.

22           MR. COHEN: I have no, no objection to 14 except,  
23 Your Honor, when you get to the last sentence and that is so  
24 self-serving, so self-serving and conclusory that I think it's  
25 sort of astonishing where he says that, "If anyone thinks my

1 | vote," you know, is in anyone's hip pocket or Paul Crouch's  
2 | hip pocket, they're badly mistaken. That, of course, the  
3 | issue of this gentleman's relationship with Paul Crouch and  
4 | then to NMTV, is exactly what is contained in the issues.  
5 | That's what you have to decide.

6 |           MR. TOPEL: Well, Your Honor, the fact that it's  
7 | self-serving doesn't make it irrelevant and --

8 |           MR. COHEN: No. It's a conclusion.

9 |           MR. TOPEL: -- it's the witness' testimony, "My vote  
10 | is not in Paul Crouch's hip pocket," and Mr. Cohen can examine  
11 | him and he can test it and use his program contract with  
12 | Trinity and, and the things that Mr. Cohen thinks is important  
13 | and try to persuade you that Pastor E. B. Hill's vote is in  
14 | Dr. Crouch's hip pocket and there's de facto control.

15 |           MR. COHEN: Your Honor --

16 |           MR. TOPEL: But the witness is allowed to testify  
17 | that the fact that I get paid money from Trinity does not  
18 | influence my vote. That's his testimony and then it should be  
19 | tested by cross-examination.

20 |           MR. COHEN: Your Honor, I respectfully disagree.  
21 | The issue that's involved in that sentence is the very issue  
22 | that you have to decide in this proceeding. It's the, it's  
23 | the issue of control. And to say that I can cross-examine him  
24 | on that is a non-sequitur because it's a legal conclusion.  
25 | This kind of language has no significance if it's not looked

1 upon as a conclusion, and that's the conclusion that you need  
2 to draw or not draw after you hear the witnesses and read the  
3 testimony.

4 JUDGE CHACHKIN: Does the Bureau have any objection  
5 to this -- these paragraphs?

6 MR. SHOOK: Your Honor, the Bureau has no objection  
7 to paragraph 14. And with respect to the last sentence, it's  
8 the Bureau's view that this is nothing more than a statement  
9 of belief on the part of Reverend Hill which can be tested in  
10 cross-examination and then the Bureau has -- or the parties  
11 have an opportunity to write findings and conclusions based on  
12 all of Dr. Hill's testimony including, including this, so the  
13 Bureau has no objection to this sentence.

14 JUDGE CHACHKIN: All right. I'll allow it in. Next  
15 objection?

16 MR. COHEN: Yes, sir.

17 JUDGE CHACHKIN: With the understanding I'm only  
18 receiving it as his belief, not as a fact whether or not he's  
19 in the pocket of Paul Crouch and that -- insofar as that's  
20 concerned, it's the factual evidence that will be relied on,  
21 not this conclusion.

22 MR. COHEN: I don't want to belabor this point.  
23 Paragraph 15, I make the same objection to the sentence five  
24 lines from the bottom where again the witness refers to his  
25 hip pockets. It's the same -- exactly the same argument,

1 Your Honor, and I, I wanted to make it for the record.

2 JUDGE CHACHKIN: And I'll make the same ruling.

3 MR. SHOOK: Your Honor, I would say that with  
4 respect to Reverend Hill's belief concerning Dr. Crouch's vote  
5 that Reverend Hill is not --

6 JUDGE CHACHKIN: Wait a minute. This is dealing  
7 with Dr. Crouch's vote. This is not the same as his vote.

8 MR. COHEN: Your point is well taken. I, I had  
9 overlooked that. He's not -- your point is well taken. He's  
10 not competent, Your Honor, I submit that and thank you for the  
11 help.

12 JUDGE CHACHKIN: I agree. He's not competent.  
13 That's talking about Dr. Crouch's belief.

14 MR. SHOOK: So, Your Honor, I would have stricken  
15 the sentence beginning "However" and concluding with the word  
16 "relationship."

17 JUDGE CHACHKIN: It will be stricken.

18 MR. COHEN: Now, the last sentence is, is subject to  
19 the same vice of competency where he says, "Neither of us has  
20 time to fool around." He's not competent to talk about  
21 whether --

22 JUDGE CHACHKIN: I'm going to strike this sentence.

23 MR. SHOOK: Your Honor, for the same reasons the  
24 Bureau has a problem with the second clause of the sentence  
25 preceding that. The Bureau would reform that sentence to

1 start with the word "Basically," as it does here and conclude  
2 with the words "personal relationship." And in terms of, "And  
3 we conduct our business affairs based on our own independent  
4 judgments," it's certainly possible for Reverend Hill to make  
5 that statement relative to himself, but we believe it  
6 impossible for him to make that statement relative to  
7 Dr. Crouch.

8 MR. TOPEL: Your Honor, I would be willing to  
9 conform that to say, "And I conduct my affairs, my business  
10 affairs, based on my own independent judgment."

11 JUDGE CHACHKIN: All right. That change will be  
12 made. Objection to paragraph 16?

13 MR. COHEN: I object to that, Your Honor. We're now  
14 beginning to finally get to the -- coming close to where we're  
15 supposed to be, but this is so remote, this kind of a  
16 paragraph. This paragraph is so remote. It doesn't really  
17 bear directly upon the issue and I can go through this on a  
18 line by line basis, but I ask you to read it. This is  
19 background again, Your Honor. This is, this is his -- really  
20 his reason for coming on board, becoming a director. That's  
21 what this is.

22 MR. TOPEL: I think that's highly relevant. It's  
23 his first knowledge of National Minority and it describes the  
24 events and the discussion and --

25 MR. COHEN: I thought Your Honor had ruled that his

1 reasons for becoming a director are too remote to be relevant  
2 and that what counts is what he did as a director or he didn't  
3 do.

4 MR. TOPEL: Your Honor, if his relationship is  
5 relevant --

6 JUDGE CHACHKIN: I'll allow it in because it deals  
7 with his relationship with Dr. Crouch.

8 MR. SHOOK: Your Honor?

9 JUDGE CHACHKIN: Yes.

10 MR. SHOOK: In the Bureau's view the Bureau has no  
11 problem with the first sentence, the second sentence and the  
12 third sentence concluding with the phrase "I congratulated  
13 Dr. Crouch," but the Bureau does object to the rest of the  
14 paragraph beginning with "because" for the reasons stated by  
15 Mr. Cohen, and we believe that these are too conclusory in  
16 nature.

17 MR. TOPEL: I think your ruling should stand,  
18 Your Honor, relating to --

19 JUDGE CHACHKIN: Now wait a minute. Let's see.  
20 "When I first heard about Minority -- I congratulated  
21 Dr. Crouch."

22 MR. SHOOK: And at that point I would put a period.

23 MR. TOPEL: He then explains why he congratulated  
24 him. I mean, Your Honor, if all the negatives or the  
25 perceived or alleged negatives of the relationship between

1 these parties is going to be used in this case, we ought to at  
2 least be able to explain the entirety of the relationship and  
3 this goes directly to the first time he heard National  
4 Minority. It goes to his discussion with Dr. Crouch and how  
5 they interrelated on that issue.

6 MR. SHOOK: In that regard I have a particular  
7 problem with the last sentence because there is, so far as I  
8 can tell, no basis for understanding what efforts Dr. Crouch  
9 had made at that point that Reverend Hill is aware of, nor is  
10 there any -- anything that would suggest that Reverend Hill  
11 had a clue as to what money was involved and who was providing  
12 it and how it was being provided.

13 MR. TOPEL: I'll accede to the striking of the last  
14 sentence.

15 MR. COHEN: Your Honor, what is -- what have you,  
16 what have you stricken --

17 JUDGE CHACHKIN: Well, so far --

18 MR. COHEN: -- struck in 16, if anything?

19 JUDGE CHACHKIN: Well, isn't this same -- the Bureau  
20 objects to everything after the words "that Dr. Crouch" in  
21 line 7?

22 MR. SCHONMAN: Correct, Your Honor.

23 JUDGE CHACHKIN: On the grounds that he has no  
24 knowledge of it or what or it's irrelevant?

25 MR. SCHONMAN: Basically that it's irrelevant.

1           MR. TOPEL: Your Honor, I think it's, it's relevant  
2 to the witness' relationship with NMTV, his understanding of  
3 what the organization was.

4           JUDGE CHACHKIN: I will strike the material the  
5 Bureau wants stricken. This is getting into so many  
6 collateral areas when the focus should be on the question of  
7 control when he became a director. I'm going to strike all  
8 this. I don't want this needless cross-examination with  
9 respect to the private sector initiative. I don't think it's  
10 going to advance the ball one way.

11           MR. COHEN: I'm not sure what your ruling is then,  
12 Your Honor.

13           JUDGE CHACHKIN: My ruling is -- the sentence  
14 begins, "When I first heard about Minority Television I  
15 congratulated Dr. Crouch." The remainder of the paragraph is  
16 stricken.

17           MR. COHEN: And the first part of the paragraph  
18 stays in?

19           JUDGE CHACHKIN: The first part of the paragraph  
20 stays in because it establishes relationship with Dr. Crouch.

21           MR. COHEN: Turning to paragraph 17, Your Honor,  
22 just out of -- of caution to protect the record, I don't  
23 object to the third sentence where he says, "Dr. Crouch  
24 pointed out the company's minority control through the  
25 majority on the Board," if this is supposed to represent what

1 Paul Crouch's state of mind was.

2 JUDGE CHACHKIN: Well, it's not Paul Crouch's state  
3 of mind.

4 MR. COHEN: Dr. Crouch pointed out that the company  
5 was minority controlled. I mean, I don't want this coming in  
6 for the truth of the proposition asserted.

7 JUDGE CHACHKIN: Well, it certainly can't be. It's  
8 only, only for the state of mind of the Reverend.

9 MR. TOPEL: That's all it's intended for,  
10 Your Honor.

11 JUDGE CHACHKIN: Based on what Dr. Crouch told him.

12 MR. COHEN: Very well. Okay. As long as that is  
13 understood, Your Honor. And beginning with the words --  
14 wherever minority control is used in that paragraph I take it  
15 your ruling would be the same? Like, "Discussed the minority  
16 control of" --

17 JUDGE CHACHKIN: Well, he was told these things by  
18 someone else. It doesn't demonstrate he had personal  
19 knowledge so it can't come in for the truth of the matter.

20 MR. COHEN: Thank you.

21 JUDGE CHACHKIN: It's merely a state of mind.

22 MR. COHEN: That's all I wanted to know.

23 JUDGE CHACHKIN: Yes.

24 MR. COHEN: I have nothing else on 17.

25 JUDGE CHACHKIN: All right. Any -- does the Bureau

1 have any objection to 17?

2 MR. SHOOK: Your Honor, the, the Bureau would object  
3 to part of paragraph 17 which appears on page 14, and that is  
4 the Bureau would keep part of the first sentence that appears  
5 on that page and it would read as follows: "When Dr. Crouch  
6 discussed," and the Bureau would excise 'the minority control  
7 of' Minority Television I was fully aware of the process."  
8 And then the Bureau would have no objection to the last  
9 sentence of the paragraph. But the -- all of, all of this  
10 other business about government agencies being pushed, pulled  
11 and tugged, etc. I would strike as irrelevant.

12 MR. TOPEL: Well, Your Honor, again it goes to the  
13 witness' state of mind at the time he was invited to join the  
14 Board and what he understood was happening and his  
15 understanding of his role in relationship with National  
16 Minority Television.

17 JUDGE CHACHKIN: So your objection is to the words  
18 beginning after "real?" Is that --

19 MR. SHOOK: My objection would be to the words "the  
20 minority control of" which appear in the first line --

21 JUDGE CHACHKIN: Yes.

22 MR. SHOOK: -- of page 14 and then the words  
23 beginning with "and knew," etc. that appear on the second line  
24 of page 14 up through the words "their industries." So the  
25 reformed sentence would read, "When Dr. Crouch discussed

1 Minority Television I was fully aware of the process."

2 MR. TOPEL: I'm not sure about it. If the testimony  
3 is going to provide that, he ought to be able to explain what  
4 he understood the process to mean.

5 JUDGE CHACHKIN: I'll sustain the Bureau's objection  
6 and so the sentence will be reformed as indicated by the  
7 Bureau, and that the material beginning on the fourth line  
8 with "And" to the end of the sentence is stricken as  
9 irrelevant.

10 MR. TOPEL: Your Honor, my -- just so I understand,  
11 on the first line on page 14 the words "the minority control  
12 of" are stricken?

13 JUDGE CHACHKIN: Yes.

14 MR. TOPEL: And then starting on the second line  
15 with the word "and knew?" Is that where it starts and  
16 continuing through the end of that sentence, "their  
17 industries?"

18 JUDGE CHACHKIN: Is that correct?

19 MR. SHOOK: Yes.

20 JUDGE CHACHKIN: Yes.

21 MR. TOPEL: Thank you.

22 JUDGE CHACHKIN: All right. That material that's  
23 stricken up to where it says -- at the end of the sentence,  
24 yes.

25 MR. COHEN: I have no objection to paragraph 19. I

1 don't know if the Bureau has.

2 MR. SHOOK: Did we do paragraph 18 yet?

3 MR. COHEN: Excuse me.

4 JUDGE CHACHKIN: No, we haven't done paragraph 18.

5 JUDGE CHACHKIN: I have no objection to 18.

6 MR. SHOOK: I have no objection to 18 either.

7 JUDGE CHACHKIN: All right.

8 MR. COHEN: No objection to 19.

9 JUDGE CHACHKIN: Any objection to 19?

10 MR. SHOOK: Your Honor, the Bureau has no objection  
11 to the first two sentences of paragraph 19. The Bureau does  
12 believe that there are relevance problems with the rest of the  
13 paragraph.

14 JUDGE CHACHKIN: Beginning with "Specifically?"

15 MR. SHOOK: Beginning with the -- it would be the,  
16 the fifth line down, the sentence that is, "That was," and  
17 then through the rest of the paragraph.

18 MR. TOPEL: May I ask the grounds of the objection?

19 MR. SHOOK: Relevance.

20 MR. TOPEL: All right. I think again the witness'  
21 state of mind and the issues that he was concerned about in  
22 joining the Board and, in particular, the reason -- this  
23 explains his concerted emphasis that there by an opportunity  
24 for National Minority to grow apart from TBN. His  
25 understanding and state of mind that this joint relationship